

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-157-RJC

PHILLIP G. MORRIS,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Plaintiff's Amended Motion for Attorney's Fees under Section 406(b) of the Social Security Act, (Doc. No. 17). In the Motion, Plaintiff contends that he is entitled to attorney's fees in the amount of \$6,700.00, which represents less than 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant filed a Response to Plaintiff's motion stating that "Defendant neither supports nor opposes Plaintiff's counsel's request." (Doc. No. 18).

The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff's Motion, the Court **GRANTS** Plaintiff's Amended Motion for Attorney's Fees. (Doc. No. 17).

IT IS, THEREFORE, ORDERED that Plaintiff's Amended Motion for Attorney's Fees, (Doc. No. 17), is **GRANTED**. The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$6,700.00 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$3,646.00 EAJA fees to Plaintiff, (See Doc. No. 14 awarding EAJA fees), and upon the payment of such sums, this case shall be dismissed with prejudice.

SO ORDERED.

Signed: October 29, 2018

Robert J. Conrad Jr.
Robert J. Conrad, Jr.
United States District Judge

